

AFFIDAVIT OF SPECIAL AGENT DANA FIANDACA

I, Dana Fiandaca, having been duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the United States Immigration and Customs Enforcement ("ICE"), formerly the United States Immigration and Naturalization Service ("INS"), and have been so employed since June 1996. Among other duties, I am assigned to investigate the manufacture and sale of fraudulent Immigration and Naturalization Resident Alien Cards, Form I-551 (hereinafter "green cards"). From my training, I know that persons, usually aliens, manufacture and distribute counterfeit green cards and social security account number cards ("SSANC") and other false identification documentation. The counterfeit documents are then distributed and sold to aliens who are illegally in the United States. I am also familiar with the various criminal statutes which make it unlawful to manufacture and sell green cards, including Title 18, United States Code, Section 1028(a)(1)-(6) (Producing identification and false identification documents); and Title 18, United States Code, Section 1426(b) (Using and selling false naturalization, citizenship and registry documents).

2. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and ICE agents, as well as information provided to me by a

Confidential Source ("CS"). This affidavit is not intended to set forth all of the information that I and other law enforcement personnel have learned during this investigation, but is submitted in support of an application for a criminal complaint against **Ozelio Pereira DE ASSIS ("DE ASSIS")** a/k/a Ozelio Pereira ASSIS a/k/a Joao PEREIRA, charging him with violating Titles 18 U.S.C. Section 1028(a)(2) - "Transferring Fraudulent Identification Documents" and 18 United States Code 1028(a)(5) - "Possession of Document Making Implements".

BACKGROUND

3. On May 24, 2005, at approximately 4:30pm, I was conducting surveillance activity on Central Street in the downtown area of Peabody, Massachusetts, when I observed a red Dodge Intrepid bearing Massachusetts Registration 52W A22 appear from Warren Street. This vehicle was previously known to me as being a possible vehicle operated by Ozelio Pereira **DE ASSIS**, a Brazilian national. **DE ASSIS** was previously observed by agents during an undercover investigation into the illicit manufacture and sale of counterfeit identification documents to illegal aliens in the Peabody, Massachusetts area. During two of the four prior undercover investigations, which occurred on January 4, 2005 and January 31, 2005, **DE ASSIS** was observed meeting with a possible co-conspirator Edivaldo COUTINHO, from whom a

confidential source purchased six (6) counterfeit green cards and six (6) social security cards. On those two dates, **DE ASSIS** was observed meeting with COUTINHO either just after or just prior to COUTINHO meeting with the confidential source. Previous immigration record checks of **DE ASSIS** indicated that he may be illegally present in the United States.

4. Once **DE ASSIS** was observed (during the May 24th surveillance), I immediately initiated surveillance of his vehicle. At the same time, I notified the Peabody Police of my actions and requested police assistance on a vehicle stop due to the fact that I was alone. Peabody Police agreed to assist, but cautioned me that they would be unable to assist if I left the city limits. By this point, **DE ASSIS** had entered Route 128 headed south. Due to the fact that we were approaching the city limits, I pulled behind **DE ASSIS** and activated my blue lights to initiate a vehicle stop. **DE ASSIS** immediately pulled off to the break down lane just prior to Exit 44. I immediately called the Peabody Police and notified them of my actions and location, at which time, I observed four Peabody Police vehicles arriving on scene. Both myself and Peabody Police then approached **DE ASSIS'** vehicle and asked for identification. I identified myself to **DE ASSIS** as a federal agent with ICE and briefly questioned him as to his citizenship and current immigration status. He admitted

to being a citizen from Brazil, and to being illegally present in the United States. **DE ASSIS** also did not have any immigration documents on him during the questioning. At the same time, Peabody Police Officer Leo Cunha conducted record checks from his police vehicle and determined that **DE ASSIS** was operating on a suspended license. Based on this information, Peabody Police arrested **DE ASSIS** and transported him to the Peabody Police station for booking. I followed the Peabody Police back to the station and lodged an immigration detainer.

5. On May 25, 2005, myself and Special Agent John Dumas located and arrested **DE ASSIS** at the Peabody District Court on administrative immigration charges. He was transported back to the ICE office where he was provided his Miranda Rights and Consular rights in the Portuguese language by Special Agent Augusto DaCunha, a native Portuguese speaker. During the subsequent interview, **DE ASSIS** admitted to being involved in the sale of counterfeit green cards, social security cards and foreign driver's licenses to illegal aliens. According to **DE ASSIS**, he has been involved in selling the aforementioned documents since October 2004, and has sold between two (2) to three (3) documents per day from October 2004 to the present. **DE ASSIS** stated that customers who requested the documents would call him on the cellular phone and place an order. He would then

meet with the customers on the street and take their orders, often obtaining a photograph and biographical information (of the customer), which would then be used on the documents. **DE ASSIS** claimed to charge customers approximately \$60.00 per document. Once he took the orders, **DE ASSIS** would then meet with another Brazilian male, who would manufacture the documents. According to **DE ASSIS**, this male would charge **DE ASSIS** \$40.00 per document for manufacturing them, thereby leaving **DE ASSIS** with a profit of \$20.00 per document. After this male manufactured the document, **DE ASSIS** would meet with the customer and deliver the completed documents and obtain the fee.

6. **DE ASSIS** also admitted to manufacturing identification documents on occasion. I showed **DE ASSIS** two (2) counterfeit green cards and two (2) counterfeit social security cards which were the names Carlos Vieira and Maria Dos Santos. These four (4) documents were purchased by a confidential source from co-conspirator Edivaldo COUTINHO on January 4, 2005. It should be noted, on that undercover meeting, **DE ASSIS** was observed meeting with COUTINHO both immediately after, and just prior to COUTINHO meeting with the confidential source to pick up the order and deliver the documents. After viewing those documents, **DE ASSIS** admitted to being involved in the manufacture of those documents.

7. After the interview, **DE ASSIS** provided a signed

confession in the Portuguese language regarding his involvement in the transfer and manufacture of counterfeit documents to illegal aliens.

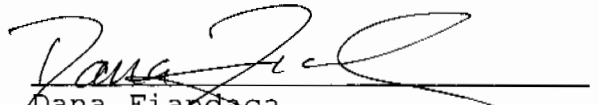
8. Also on May 25, 2005, **DE ASSIS** provided written consent to search the red Dodge Intrepid, Massachusetts Registration 52W A22 which he was driving at the time of his arrest by Peabody Police. The vehicle was in safe storage at the Arrington Tow Service located at 20 Webster Street in Peabody, Massachusetts, the same tow company, which towed the vehicle from the arrest scene. According to **DE ASSIS**, he purchased the Intrepid several months ago. Seized from the vehicle were laminating pouches, two sheets of passport style photos of two persons, a ream of gray paper stock similar to that used on both the International Driver's License Books and Brazilian Driving History Records, three notebooks, one of which has names and biographical information of numerous persons and a Brazilian Driver's History Record of an unknown person. All of these items were seized by ICE agents and transported back to the ICE office for safekeeping. Additionally, Peabody Police Officer Leo Cunha seized three cameras from the vehicle on May 24, 2005, two silver Polaroid style cameras and one silver 35mm style camera.

9. In sum, **DE ASSIS** has visually confirmed being involved in the manufacture and distribution of at least four counterfeit

documents which were obtained on January 4, 2005. Furthermore, based on his own statements, **DE ASSIS** has been involved in the distribution of over two hundred and twelve documents since his beginning in October 2004 to April 2005. A review of ICE and the Social Security Administration databases reveals that the alien registration numbers and social security account numbers purchased during the January 4, 2005 undercover meeting are either invalid or belong to individuals other than those named on the documents.

CONCLUSION

10. Based on the foregoing, information, I believe probable cause exists to conclude that "**DE ASSIS**," from October 2004 to present, did knowingly and without lawful authority, transfer false identification documents, in violation of Title 18 U.S.C. Section 1028(a)(2) and did possess document making implements, in violation of Title 18 United States Code 1028(a)(5).


Dana Fiandaca
Special Agent
United States Immigration and
Customs Enforcement

Subscribed and sworn before me
this 26 day of May, 2005.


MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE

